

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TOUSSAINT L'OUVERTURE MINETT, SR.,

Plaintiff,

v.

OFFICER KRUTER,

Defendant.

ORDER

19-cv-135-bbc
and
19-cv-205-bbc

Pro se plaintiff Toussaint Minett, Sr., who is incarcerated at Dodge Correctional Institution, has filed two cases in this court in which he alleges that defendant Officer Kruter violated his constitutional rights during plaintiff's incarceration at the Rock County jail. In case no. 19-cv-135, plaintiff is proceeding on a claim that defendant repeatedly shined a bright light in plaintiff's eyes on January 25, 2019, even though he knew that it aggravated plaintiff's serious eye condition, and refused to get plaintiff medical attention when he requested it. In case no. 19-cv-205, plaintiff has filed a proposed complaint alleging that defendant engaged in similar conduct on February 23, 2019, and in retaliation for plaintiff's filing of the first lawsuit. Before the court is plaintiff's request to consolidate the cases so that they may be litigated together. Dkt. #27 in case no. 19-cv-135; dkt. #10 in case no. 19-cv-205. The request will be denied.

Plaintiff's first lawsuit has proceeded well past its initial stages—defendant's motion for summary judgment is fully briefed and before the court, and trial is set for July 2020. Although plaintiff filed his second lawsuit over a year ago, he did not make an initial partial payment of the filing fee in that case until last month, so the court has not yet screened his

complaint. Joining the cases would unnecessarily delay the resolution of plaintiff's first lawsuit. In addition, any convenience or efficiency gained by joining the cases would be minimal because the lawsuits involve two separate actions on the part of defendant with potentially different witnesses and evidence.

ORDER

IT IS ORDERED that plaintiff Toussaint Minett, Sr.'s motion to consolidate cases, dkt. #27 in case no. 19-cv-135 and dkt. #10 in case no. 19-cv-205, is DENIED.

Entered this 10th day of April, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge